

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: MIGUEL BOCOURT : BKY. NO. 21-12420
: CHAPTER 13

AMENDED NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE

Debtor Miguel Bocourt filed a Motion To Avoid Judicial Liens

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

1. If you do not want the court to grant the relief sought in the Motion or if you want the court to consider your views on the motion, then on or before **April 2, 2024** you or your attorney must do ALL of the following:

(a) file an answer explaining your position at

U.S. Bankruptcy Court
Clerk's Office
United States Courthouse
900 Market Street
Philadelphia, Pennsylvania 19107-4295

If you mail your answer to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) mail a copy to the movant's attorney:

Donald Williford, Esquire
114 Radcliffe Street
Bristol, PA 19007
Phone No.: (215) 785-3241
Fax No.: (215) 798-9659
Don.williford@comcast.net

2. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

3. A hearing on the Motion is scheduled to be held before the Honorable Magdeline D. Coleman on **April 9, 2024 at 10:30 A.M.**, in Courtroom #2 United States Bankruptcy Court, 900 Market Street, Philadelphia, PA 19107-4295.

4. If a copy of the Motion is not enclosed, a copy of the Motion will be provided to you if you are on the Clerk's Service List and you request a copy from the attorney named in paragraph 1 (b).
5. You may contact the Bankruptcy Clerk's office at (215) 408-2800 to find out whether the hearing has been canceled because no one filed an answer.

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ORDER TO AVOID JUDICIAL LIENS

AND NOW, this _____ day of _____ 2024,

upon consideration of Debtors' Motion to Avoid a Judicial Liens and after notice and opportunity for a hearing, it is hereby ORDERED and DECREED, that:

1. The Motion is granted.
2. The property situate at 131 Elderberry Drive, Levittown, Bucks

County, Pennsylvania is now free and clear of the following judgment liens

3. The judicial lien held by American Financial Services, Inc. DBA (GM Financial) against Debtor Miguel Bocourt and recorded on June 22, 2021 in the Judgment Index of Bucks County, Pennsylvania, pursuant to a Bucks County Court of Common Pleas Judgment in case No. 2021-03294 is hereby avoided and shall not survive Debtor's bankruptcy or affix to or remain enforceable against the aforementioned residence of the Debtor;

4. The judicial lien held by Credit Counseling Solutions, Inc. against Debtor Miguel Bocourt and recorded on June 17, 2020 in the Judgment Index of Bucks County, Pennsylvania, pursuant to a Bucks County Court of Common Pleas Judgment in case No. 2020-02635 is hereby avoided and shall not survive Debtor's bankruptcy or affix to or remain enforceable against the aforementioned residence of the Debtor;

BY THE COURT:

J.

**IN THE UNITED STATES BANKRUPTCY COURT
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MOTION TO AVOID LIENS

Debtor Miguel Bocourt, Jr., by and through his attorney Donald Williford, Esquire, moves this Court for orders avoiding judicial liens and in support thereof states the following:

1. Debtor commenced this action on September 2, 2021 by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code
2. On April 30, 2022, Debtor converted to Chapter 13 of the Bankruptcy Code.
3. Debtor and his wife are the joint owners of real property situate at 131 Elderberry Drive, Levittown, Bucks County, Pennsylvania (real property).
4. The aforesaid real property has an appraised value of \$397,600.00 and Colonial Savings, FA has a mortgage lien currently in the amount of \$171,949.29.
5. The Debtor exempted his real property as tenants by the entireties pursuant to 11U.S.C. §522(b)(2)B.
6. Debtor had the following pre-petition judicial liens filed against him in the Bucks County Court of Common Pleas:
 - (a) American Financial Services versus Miguel Bocourt filed on June 22, 2021 at No. 2021-03294 in the amount of \$24,987.17; and
 - (b) Credit Corp. Solutions versus Miguel Bocourt filed on 06/17/2020 at No. 2020-02635 in the amount of \$1,846.75.

7. Debtor avers and therefore believes that pursuant to 11 U.S.C. § 506(a), no portion of the aforesaid judgment liens are secured claims and the entire amounts are deemed an unsecured claim.

8. The judgment liens against the real property are impairing Debtor's exemption under 11U.S.C. §522(b)(2)B.

9. Debtor may, therefore, avoid the lien under 11 U.S.C. § 522 (f)(1).

WHEREFORE, the Debtor Miguel Bocourt moves for an Order pursuant to 11 U.S.C. § 522(f) avoiding the Bucks County Court of Common Pleas judgment liens held by American Financial Services and Credit Core Solutions, Inc.

Respectfully submitted,

Date: 03/11/2024

Don Williford
Donald Williford, Esquire
Attorney I.D. #50130
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CERTIFICATE OF SERVICE

I, Donald Williford, Esquire, hereby certify that a copy of the attached Motion To Avoid
Judicial Liens was mailed or sent via email on March 11, 2024 to the following:

Office of the U.S. Trustee
Custom House
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

Chapter 13 Trustee
Kenneth West, Esquire
1234 Market Street (SEPTA Building)
Suite 1813
Philadelphia, PA 19107

American Financial Services, Inc.
Dba GM Financial
P.O. Box 183853
Arlington, TX 76096

Credit Corp. Solutions, Inc.
501 Corporate Drive
Suite 205
Canonsburg, PA 15317

Respectfully submitted,

Date: 03/11/2024

Don Williford
Donald Williford, Esquire
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